

Nos. 20-1141, 20-1142, 20-1143, 20-1149, 20-1150, 20-1151

**United States Court of Appeals
for the Federal Circuit**

INTEX RECREATION CORP.

Appellant,

BESTWAY (USA), INC.,

Appellee

v.

TEAM WORLDWIDE CORPORATION

Cross-Appellant,

v.

KATHERINE K. VIDAL, Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office,

Intervenor

Appeal from the United States Patent and Trademark Office – Patent Trial and
Appeal Board in Nos. IPR2018-00870, IPR2018-00871, IPR2018-00872,
IPR2018-00873, and IPR2018-0074.

**NOTICE OF REQUEST TO EXTEND TIME TO FILE JOINT APPENDIX
TO RESOLVE CONFIDENTIALITY ISSUES UNDER RULE 26(b)(4)**

Appellant Intex Recreation Corp. files this unopposed request to extend time to resolve confidentiality issues pursuant to Federal Circuit Rule 26(b)(4).

This is a consolidated appeal of five separate *inter partes* review proceedings. As explained in the attached declaration, this case has a large appellate record and numerous documents in the record were filed under seal before the Board, including documents for which no public version was required or created. The record also includes documents with confidential business information of third parties. Accordingly, the parties have determined that additional time is necessary to resolve the confidentiality issues with the filing of the joint appendix. Intex therefore requests that the due date for the joint appendix be extended four days to November 4, 2022. No previous extensions of time have been requested.

Respectfully submitted,

Dated: October 28, 2022

/s/ Bethany N. Mihalik
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DECLARATION OF BETHANY N. MIHALIK

1. I am one of the attorneys for Appellants Intex Recreation Corp. in this appeal.
2. Briefing is complete in this appeal, and the joint appendix is currently due on October 31, 2022. No party has previously requested an extension of time in this appeal.
3. Additional time is needed to prepare and file the joint appendix for the parties to resolve confidentiality issues. The record in this case is large as it includes the consolidated records of five different *inter partes* reviews, and the joint appendix will contain more than 1,000 pages. In addition, at least seven documents cited by the parties on appeal, including highly confidential settlement agreements and documents citing to third party confidential sales data, were filed under seal before the Board without public versions and require individual review and redaction by the parties to prepare confidential and nonconfidential versions of the joint appendix under Federal Circuit Rule 25.1(e). To ensure targeted, limited, and accurate identification and redaction of confidential information, the parties have determined that additional time is required beyond the current, expedited deadline of October 31, 2022, to prepare the joint appendix.
4. Intex did not become aware of the need for additional time until after TWW's reply brief was filed on October 24, 2022. Since then, the parties have

coordinated on the final preparation of the joint appendix and have determined that additional time is necessary.

5. Intex therefore respectfully requests an extension of four day, until November 4, 2022, to prepare and file the joint appendix.

6. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: October 28, 2022

/s/ Bethany N. Mihalik
Bethany N. Mihalik

CERTIFICATE OF COMPLIANCE WITH WORD COUNT LIMITATION

I certify that the foregoing filing complies with the relevant type-volume limitation of the Federal Rules of Appellate Procedure and Federal Circuit Rules because it has been prepared using a proportionally spaced typeface and contains 131 words.

Dated: October 28, 2022

/s/ Bethany N. Mihalik
Bethany N. Mihalik

CERTIFICATE OF SERVICE

I certify that the foregoing filing was served on all counsel of record on October 28, 2022 through the CM/ECF system.

Dated: October 28, 2022

/s/ Bethany N. Mihalik
Bethany N. Mihalik